

**LASALLE COUNTY TREATMENT  
ALTERNATIVE COURT (TAC)**

**POLICIES AND PROCEDURES MANUAL**

**LASALLE COUNTY TREATMENT ALTERNATIVE COURT (TAC)**

**707 E. ETNA ROAD**

**OTTAWA, IL. 61350**

**February 2020**

## **MISSION STATEMENT**

The LaSalle County Treatment Alternative Court (TAC) has been implemented to provide defendants diagnosed with a serious mental illness the opportunity for treatment of their mental illness and drug addiction, if any, with the goal of rehabilitation. TAC serves its participants with social services, life skills training, and assistance with housing and employment opportunities to help them become productive members of society.

## **TAC Program Description**

The LaSalle County Treatment Alternative Court (TAC) is a problem-solving court for non-violent offenders with a serious mental illness in the criminal justice system. TAC targets individuals charged with a probationable felony offense that is not excluded by state statute. This mental health court provides for increased judicial interaction and participant accountability while providing expedited access to treatment and increased services. The LaSalle County Circuit Court is the lead entity for this program and has partnered with the LaSalle County State's Attorney's Office, the LaSalle County Public Defender's Office, the LaSalle County Probation Department, the LaSalle County Sheriff's Office and North Central Behavioral Health Systems.

The handbook specifies the manner in which TAC operates and the nature of the issues which this court seeks to address. While in the program, participants receive ongoing mental health and, if necessary, substance abuse treatment, based on the specific needs and diagnosis of each participant. To effectively serve each individual client, this recovery and punitive rewards/punishment program embodies principles of consistency and flexibility. Participant supervision will be conducted through scheduled and/or unscheduled visits at home and/or workplace, weekly court appearances, as well as consistent attendance at meetings and treatment sessions with the probation officer, and treatment providers. The manual contains the mandatory rules, the necessary framework and the guiding principles of the program. It is the duty of TAC to address issues as they arise using the manual as the guideline, while mindful of the goal of crafting a treatment plan and behavior-shaping program fitting to the individual.

## **Goals and Objectives**

The goal of the LaSalle County TAC is to reduce the number of non-violent offenders committed to prison from the identified target population by 25% based on the average number of commitments in the prior three years. IDOC commitments will be reduced by a minimum of 20 offenders.

**Objective 1.** Continue to serve TAC clients and enroll new clients through referral and screening process.

**Objective 2.** Increase access to behavioral health services for individuals involved in the criminal justice system.

**Objective 3.** Increase collaboration between justice and behavioral health system and community service system.

## **TAC Policies and Procedures**

### **I. Eligibility Criteria**

In order to be considered by the TAC team for participation in the TAC program, a defendant must be at least 18 years of age and have a serious mental illness.

A defendant who is charged with a crime precluded from participation in mental health court by state statute, 730 ILCS 168/20, will be ineligible. Eligible offenses include felony offenses that are subject to a sentence of probation. A felony offense not subject to a sentence of probation is an ineligible offense.

Certain offenders are ineligible for participation in TAC. Those defendants ineligible for TAC are offenders who have (1) been convicted of an offense involving the discharge of a firearm, (2) been charged with a non-probationable offense, (3) not demonstrated a willingness to participate in a treatment program, or (4) been convicted, within the past 10 years, of a violent crime including first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability, stalking, or aggravated stalking, that time not to include any years the defendant spent incarcerated.

The TAC team will review all eligible offenses and defendants individually. The TAC team determines eligibility and admission by considering a variety of factors, described in more detail below. Admission to the program is subject to the discretion of the TAC team. The Judge is the final decision maker.

It is the policy and practice of TAC to conduct all aspects of the program without discrimination on the basis of gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation. Provisions will be made for any non-English speaking participants.

### **II. Referral and Admission Procedure**

#### **A. Referral**

Referrals for the LaSalle County TAC will be made through a referral form to the TAC Coordinator. Referrals can be made by any person but most will come from law enforcement, defense counsel and the State's Attorney. The TAC Coordinator will forward the referral form to the Probation Officer within one business day of receipt of the form.

#### **B. Screening**

The Probation Officer will conduct an initial screening within five business days of receipt of the referral. In the screening process, the Probation Officer will assess the defendant's eligibility by reviewing the eligibility of the offense(s) and other statutory considerations and the defendant's risks, assets and needs. The Probation Officer will complete the Adult Risk Assessment. If the assessment indicates the applicant is high risk/high need, the referral and screening will be forwarded to North Central Behavioral Health Systems for the clinical assessment. The screening tools to be used include, but are not limited to, the Modified Mini Screen (MMS), the Texas Christian University (TCU), Criminal Thinking Scales, and the Risk and Need Triage (R.A.N.T.).

It is the policy of the LaSalle County TAC to screen all prospective candidates without regard for their race, color, ancestry, religious creed, national origin, sexual orientation, marital status or age. Once completed, the referral and screening will be forwarded to North Central Behavioral Health Systems. The TAC Coordinator will also be given a copy of the screening at this time.

Risk assessments are used to determine whether the defendant is highly unlikely to succeed on standard supervision and will continue to engage in the pattern of behavior that led to the filing of the criminal charge. TAC is designed for individuals who fall within the high-risk and high needs category. The risk assessment shall also provide direction in the crafting of interventions to promote positive changes in behavior.

#### **C. Assessment**

North Central Behavioral Health Systems Assessor/Therapist will complete a clinical assessment within 10 business days of the referral. After the screening and the assessment are completed, the TAC Coordinator will docket the case for staffing and team discussion which must occur no more than seven business days after completion of the assessment. The case will then be discussed by the TAC team and a decision as to whether or not the defendant will be accepted will be made.

#### **D. Admission**

If the defendant is accepted into LaSalle County TAC, the case will be placed on the court call for the defendant's initial TAC appearance. The court date should be within seven business days from the TAC team staffing. At the court appearance, the defendant will be accepted into the TAC program and become a TAC Participant.

During the seven business days, defense counsel will confer with the defendant. The LaSalle County TAC will be implementing post-adjudicatory dispositions taking into consideration the facts and circumstances of the case, prior criminal history, the defendant's diagnoses, the assessment and other relevant information. Defendants accepted into TAC will be required to review and understand the Participant Handbook. The potential participant will review the Handbook with the Public Defender. A written agreement called the TAC Consent to Participate that will detail the requirements of the program and what is expected of the Participant. The Participant must also sign a consent and release of medical and mental health information. The Participant must sign the consent and release and acknowledge his/her review and understanding of these documents in open court.

### **III. Treatment Plan and Providers**

After meeting with the Participant, the North Central Behavioral Health Systems therapist will develop an individualized treatment plan. The Participant will agree to recommended treatment that might be both mental health and addictions treatment, office based and/or community based, in group or individual settings. Service goals for the Participant will focus on maintaining a stable life on an outpatient basis, improving daily functioning and enhancing individual satisfaction in order to contribute socially and economically to the community. Daily functioning will be evaluated periodically using evidence-based tools, and treatment will be focused on areas needing improvement. Services will be coordinated by professionals licensed within their area of discipline. Clinical professional staff will be trained to conduct the evidence-based treatment recommended. Psychiatric treatment will be provided, including psychiatric evaluation, ongoing medication education and monitoring, as well as linkage to assure medications are obtained.

Professional staff will work to assure that Participants are also linked to all programs and public entitlements. When agreed upon by all team members, a private provider may provide services that meet the evidence-based expectations of the program.

It is the policy of the LaSalle County TAC to test a participant for drugs and/or alcohol randomly. Tests will be administered by the TAC Probation Officer, or by a licensed medical facility.

#### **IV. TAC Team**

The TAC team shall meet once each week during a specific designated court call. Prior to the court call, the TAC team will meet for a staffing to discuss each Participant's case. At the weekly staffing sessions, each partner of the collaborative team is required to have a representative present. Members of the TAC collaborative team include the LaSalle County Circuit Court, the LaSalle County State's Attorney's Office, the LaSalle County Public Defender's Office, the LaSalle County Probation Department, LaSalle County Sheriff's Office and North Central Behavioral Health Systems. These key partners play an integral role in the assessment and progress of TAC Participants.

The Probation Officer will distribute a report to each TAC team member the day before staffing and court. The report is a detailed form which contains baseline information about each Participant's offense, diagnoses, assessments and treatment plan. The report will also include progress updates for the Participant's treatment plan, including any significant, relevant events. This information will be compiled by the Probation Officer from all TAC team members. The team will discuss each case with the goal of agreement on any actions to be taken during court, including incentives, sanctions or therapeutic adjustments to be addressed with the Participant in open court.

Case management will be provided through a team approach utilizing Probation and North Central Behavioral Health Systems. The Probation Officer will directly assist Participants with day-to-day functioning and provide referrals to necessary social services such as ensuring safe and secure housing, providing child care, transportation, access to education, assistance with utilities, food, hygiene and life skills coaching and job searches. North Central staff will also assist Participants with securing Federal and State assistance for these services. The Probation Officer may also assist with home visits, the interviews of collateral contacts and other designated tasks. The Probation Officer shall maintain frequent and consistent contact with each Participant and report all pertinent information to the TAC team concerning the Participant's compliance. The Probation Officer will advocate for effective sanctions and incentives based upon information gleaned from in-person contact with the Participant.

#### **The TAC team duties and roles:**

**LaSalle County Circuit Court/TAC Judge:** The LaSalle County Circuit Court is the lead entity for the TAC program. The Judge assigned to the TAC must be assigned for a minimum of two years. LaSalle County Associate Circuit Judge Michael Jansz will be the assigned TAC Judge and shall preside over court proceedings, attend all staffings, and maintain the integrity of the court. During court sessions, Judge Jansz will identify deficiencies in Participant's behaviors, reinforce positive behaviors and administer sanctions and rewards deemed appropriate by the TAC team. The TAC Judge shall have experience and/or training in: (1) criminal law; (2) behavioral health; (3) confidentiality; (4) ethics; (5) evidence-based practices; (6) substance use and abuse; (7) mental illness; and (8) co-occurring disorders.

**State's Attorney:** The State's Attorney's Office will assign one attorney to participate in the TAC program. The State's Attorney or a designated representative shall actively participate in all TAC hearings and staffing, interact in a non-adversarial manner and address the application of sanctions and incentives in a fair and productive manner.

**Defense Counsel:** The Public Defender's Office will assign one Public Defender to defendants eligible for participation in Mental Health Court. The Attorney will review cases, meet with clients, make recommendations for screening into the TAC program, advise accepted TAC Participants through the Mental Health Court process, attend routine staffings and represent TAC Participants in court. The attorney will explain program requirements to Participants. The Public Defender will coordinate necessary services for clients with other TAC team members and generally advocate for his/her clients' interests and facilitate the successful completion of the TAC program by each Participant. Participants may have private counsel represent them in the TAC program.

**Probation Department:** The TAC Probation Officer will adhere to the 13th Judicial Circuit Court Services Policy & Procedures and the General Probation Policies and Procedures. The TAC Probation Officer will follow the practices of the Adult Probation Department or presiding Judge. In addition to normal Probation Officer responsibilities, the TAC Probation Officer will conduct the initial screening referenced in Section II B and will meet more frequently with the Participants. The Probation Officer will be trained in the use of Motivational Interviewing and Cognitive-behavioral interventions to encourage behavior change.

The TAC Probation Officer is primarily responsible for overseeing a Participant's compliance with the requirements of TAC. The TAC Probation Officer provides assistance to the Participant and team as needed. The TAC Probation Officer conducts the Illinois Adult Risk Assessment Tool (ARA) and will utilize Motivational Interviewing and Thinking for a Change classes, if available. The TAC Probation Officer will meet with the Participants weekly and assist with housing, transportation, and educational needs. The TAC Probation Officer shall maintain frequent and consistent contact with each Participant to ensure the appropriate supervision for the Participant's designated phase and that social activities and home environments are appropriately monitored. The TAC Probation Officer shall report all pertinent information to the TAC team concerning the Participant's treatment, employment status and compliance with the TAC Program rules. The TAC Probation Officer will plan and implement collaboration with licensed treatment providers for the day-to-day activities of Participants, conduct initial intake interviews, attend case staffing and court hearings on a regular basis while reporting compliance/non-compliance to the team. The TAC Probation Officer will randomly administer drug and alcohol tests. The TAC Probation Officer shall advocate for effective sanctions and incentives based upon information gleaned from in-person contact with the Participant and his/her knowledge of addiction, mental illness and criminogenic factors. The TAC Probation Officer, along with other team members, shall maintain appropriate progress notes on each participant within the appropriate system.

The TAC Probation Officer shall enter weekly information on the TAC progress reports (Google Docs) and prepare a report to be distributed to each team member the day before staffing and court. The report is a detailed form which contains baseline information about each Participant's offense, diagnoses, assessments and treatment plan. The report will also include progress updates for the Participant's treatment plan, including any significant, relevant events. Case management will be provided through a team approach utilizing Probation and North Central Behavioral Systems caseworkers.

The TAC Probation Officer may also assist with home visits, the interviews of collateral contacts and other designated tasks.

**North Central Therapists and Counselors:** The Therapists/Counselors shall counsel the Participant in individual and group sessions, develop individualized treatment plans and report said recommendations and opinions to the TAC team during each staffing. Services will be provided by a team of licensed clinical professionals trained in empirically reviewed and evidence-based treatment modalities. Psychiatric medical care will be provided through North Central by a psychiatrist and registered nurse. Medication monitoring and psychoeducation on the importance and necessity of medication compliance will be part of the treatment for each Participant where relevant. Assessment tools utilized by the Therapists/Counselors are formatted to adhere to Rule 132 and Rule 2060 standards and include salient fact gathering pertinent to each individual's needs for treatment. Therapists/Counselors shall be familiar with each Participant and his/her progress through treatment and advocate for effective incentives, sanctions, and therapeutic adjustments based upon information gleaned from in-person contact with the Participant and expertise in addiction and mental illness. TAC Therapists/Counselors shall maintain appropriate progress notes on each participant within the appropriate system.

**TAC Coordinator:** The TAC Coordinator functions as a liaison between TAC team members and oversees the activity of the TAC collaborative team to ensure the team is functioning in a meaningful and productive way. All duties of the Coordinator are performed in a manner that is most therapeutic to the Participant. The TAC Coordinator will also act in a public relations capacity with community members and service providers to provide information, advocate for clients and families and expand provider base and resources for clients and families. The TAC Coordinator prepares grant-required reports and maintains necessary TAC program data with an access data base.

**LaSalle County Sheriff:** The Sheriff's Office will assign a dedicated patrol officer to TAC team to conduct home visits, investigations, and be involved in staffings and court.

#### **IV. Four Phases of TAC Program**

TAC Participants will move through the program in four phases and the length of time spent in any phase and the program overall depends on the progress toward treatment and goals of each individual Participant. The TAC team will make the decision to promote the Participant to the next phase based on compliance with the treatment plan and actual progress in managing the mental illness including medication compliance, treatment compliance and overall stability of Participant's mental health.

The restrictions, supervision and monitoring requirements become less intensive as the Participant moves to each higher phase of the program. Each phase will be explained to the Participant clearly and thoroughly to ensure that the Participant understands each new phase and complies. The fourth phase is a "maintenance" phase which focuses on the Participant's ability to manage his/her mental health on an independent basis or with appropriate community or family supports upon successful completion.

## **I. Phase One-STABILIZATION**

TAC Participants are most closely monitored during Phase One of the program. Phase One of the program is designed to address the Participant's most important needs at the time. During Phase One, the Participant must:

- Attend Treatment Alternative Court every week
- Cooperate with unscheduled visits or contact with the probation officer or deputy
- Engage in mental health treatment as determined by the individualized treatment plan
- Submit to random urinalysis screens as determined by the treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by the treatment plan
- Attend all appointments made with or by probation, counselors, or psychiatrist
- Remain drug and alcohol free

## **2. Phase Two-BUILDING LIFE SKILLS**

As the Participant advances through the phases, they will be given more freedom and responsibility. Phase Two is designed to engage the Participant in necessary mental health treatment and maintain positive change by continuing life skill building. During Phase Two, the Participant must:

- Attend TAC bi-weekly
- Cooperate with unscheduled visits or contact with the probation officer or deputy
- Engage in mental health treatment as determined by the treatment plan
- Engage in substance abuse treatment as determined by the treatment plan
- Submit to random urinalysis screenings as determined by the treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by the treatment plan
- Attend all appointments made with the probation officer, counselors, or the psychiatrist
- Refrain from the use of alcohol or illegal drugs
- Obtain education or training as recommended by the TAC team
- Obtain training in life skills such as budgeting and housekeeping as recommended

## **3. Phase Three-REINTEGRATION**

The Participant will gain more independence during Phase Three but will be expected to report to the TAC team on activities and choices. Phase Three is designed to incorporate education and employment into the Participant's treatment. The Participant will be encouraged to begin exploring educational and vocational interests and abilities during phase three. During phase three, the Participant must:

- Attend TAC monthly
- Cooperate with unscheduled visits or contact with the probation officer or deputy
- Engage in mental health treatment as determined by the treatment plan
- Engage in substance abuse treatment as determined by the treatment plan

- Submit to random urinalysis screenings as determined by the treatment plan or as requested by the TAC team
- Take prescribed medications as directed
- Attend self-help support groups as determined by the treatment plan
- Attend all appointments made with the probation officer, counselors, or the psychiatrist
- Remain drug and alcohol free
- Obtain employment or volunteer position, obtain independent housing, enroll in education courses (GED classes, higher education, vocational training, etc) or engage in regular positive social activity not related to treatment (clubs, volunteer activities, community services, church sports, etc.) as recommended by the TAC team.
- Obtain training in life skills such as budgeting and housekeeping as recommended

#### **4. Phase Four-MAINTENANCE**

The Participant will function at a high degree of independence during this phase but will still have contact with the TAC team. Phase Four is designed as Aftercare (discharge plan). The Aftercare plan will be developed by the North Central Behavioral Health Systems. During phase four, the Participant must:

- Take medications as prescribed
- Attend self-help support groups as determined by the treatment plan
- Attend all appointments made for case management, counseling, or psychiatric evaluation, including monthly meetings with Probation Officer
- Refrain from the use of alcohol or illegal drugs

#### **V. TAC Program Rules to be followed by Participant**

1. Obey all laws.
2. Refrain from owning/possessing any firearms or dangerous weapons.
3. Remain within the State of Illinois unless permission is otherwise granted by the court.
4. Report to your Probation Officer any criminal charges filed against you, including driving violations or minor offenses.
5. Notify the TAC team of any changes of address, phone numbers, treatment, medications or any other important information.
6. Attend all court hearings, appointments, meetings as part of the TAC treatment plan and case management plan, including those with a Probation Officer, any treatment or medical staff.
7. Abstain from using alcohol or illicit drugs.
8. Cooperate with and satisfactorily complete any psychological or substance abuse, assessment and/or treatment as directed by TAC.

#### **VI. TAC Program Incentives and Sanctions and Therapeutic Adjustments**

Throughout TAC, rewards and punishments will be employed in response to certain behaviors. Incentives (rewards) are matched with the strengths and interests of the Participant. Incentives are provided for positive behaviors or successfully completing various parts of the program. For those Participants who choose not to comply with the TAC Program, sanctions (punishments) are imposed. These sanctions may begin with minor demands of the Participant and move toward more severe sanctions, such as incarceration or termination from the program.

Sanctions are determined on an individual basis after the TAC Team considers all factors of participation (supervision, treatment, medication, etc.) and the Participant's compliance with these program requirements.

#### **A. Incentives**

As the Participant progresses through TAC and begins to make positive choices, he/she will receive incentives from the TAC team. Incentives may be received for a variety of behaviors and achievements including TAC Court attendance, treatment attendance, progress in treatment, negative drug screen results, medication compliance, gaining employment or volunteer work, or sustaining employment or volunteer activities. The TAC team may choose from incentives such as:

- Verbal praise
- Reduced supervision requirements
- Supervised day trips
- Small tangible rewards
- Reduced community restrictions
- Travel privileges
- Recognition in court
- Large tangible rewards
- Symbolic rewards
- Posted accomplishments
- Fishbowl drawings
- Ambassadorships
- Written commendations
- Self-Improvement services
- Commencement ceremony
- Supervised social gatherings

#### **B. Sanctions**

Just as positive changes will be rewarded, negative behaviors will also be addressed. Poor attendance at appointments or group meetings, missed court dates or probation or treatment appointments, a new criminal offense, noncompliance with the treatment or medication plan and positive drug screens or refusal to take a drug test will all result in court sanctions. The following sanctions may be used when TAC rules are not followed:

- Verbal admonishment
- Increased supervision requirements
- Day reporting
- Letters of apology
- Electronic surveillance
- Essay assignments
- Useful community service
- Home detention
- Daily activity logs

- Short term jail sanction
- Journaling
- Holding cell
- Termination
- Life skills assignments
- "Jury Box" observation
- Increased community restrictions
- Team round-tables

### **C. Therapeutic Adjustments**

Participants may be required to attend additional self-help support groups, attend additional treatment groups, or engage in additional hours of psychosocial rehabilitation programming to address unmet clinical or social service needs. These therapeutic adjustments are not intended to be an incentive or sanction, but are alterations to participant's treatment requirements. The TAC team may choose from therapeutic adjustments such as:

- Increased self-help meetings
- Increased therapeutic sessions
- Increased treatment

## **VII. Program Outcomes**

There are four ways Participants may be discharged or terminated from the program:

**(1) Successful:** Participant graduates after completing all program requirements.

**Successful Termination:** A graduation ceremony for the Participant will recognize the achievement and successful completion of all phases of the program. In order to graduate from the TAC program, Participants must complete all program phases, designed treatment plans and be in continued compliance with Court supervision. At that time, the TAC program will conclude and the agreed resolution of the case will be implemented. Successful Termination will be decided by the TAC team collaboratively.

**(2) Neutral:** Participant does not violate program requirements necessitating an unsuccessful discharge, but does not successfully complete all program requirements for a successful discharge.

**Neutral Discharge:** Neutral: Participant does not violate program requirements necessitating an unsuccessful discharge, but does not successfully complete all program requirements for a successful discharge. (Example: Participant develops a serious medical or mental health condition, disability, or other circumstance which prevents the participant from completing program requirements) Neutral discharge will be decided by the TAC team collaboratively.

**(3) Unsuccessful:** Participant is terminated from the TAC for violations of program requirements.

**(4) Voluntary withdrawal:** Participant shall in all circumstances be permitted to withdraw from the program in accordance with the TAC procedures.

## **VIII. Unsuccessful Discharge - Termination**

The Participant may be terminated from the TAC program for violating program rules. If Participant violates their treatment plan, does not take prescribed medication, cannot provide negative drug screen results over an extended period, regularly misses supervision or court appointments or is charged with a new offense, it may be the recommendation of the TAC team to terminate program eligibility. If this happens, Participant will be sentenced according to the law for the originally charged offense(s).

**(a)** Prior to unsuccessful discharge from TAC, a Participant shall be served with a petition to terminate the Participant from the TAC or to revoke the Participant's probation. The petition shall set forth the claimed violations of the TAC program requirements or probation, together with the relief sought. The TAC judge shall ensure that all Participants who become subject to proceedings that could result in unsuccessful discharge from TAC are advised of and accorded the rights set forth in Supreme Court Rule 402 (a), including, but not limited to, the right to counsel and a hearing.

In accordance with Supreme Court Rule 402(a), a TAC judge shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to establish a program or probation violation, without first addressing the Participant personally in open court, and informing the Participant of and determining that the Participant understands the following:

**(1)** The specific allegations in the petition;

**(2)** That the Participant has the right to a hearing with defense counsel present, and the right to appointed counsel if the participant is indigent;

**(3)** That at the hearing, the Participant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;

**(4)** That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;

**(5)** That by admitting to a violation, or by stipulating that the evidence is sufficient to establish a program or probation violation, there will not be a hearing on the petition, so that by admitting to a violation, or by stipulating that the evidence is sufficient, the Participant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and evidence in his or her behalf; and

**(6)** The sentencing range for the underlying offense for which the Participant is subject to prosecution or sentencing.

In accordance with Supreme Court Rules 402(b) and (c), a TAC judge shall not accept any admission to a violation, or any stipulation that the evidence is sufficient to establish a program or probation violation, without first determining that the Participant's admission or stipulation is voluntary, and that there is a factual basis for the admission or stipulation.

In accordance with Supreme Court Rule 402A(d), a TAC judge shall not participate in plea discussions with respect to a petition to terminate the participant from TAC or to revoke probation without first complying with Supreme Court Rules 402(d), (e) and (f).

**(b)** Once a Petition to Terminate a Participant from TAC or to revoke probation has been filed, the TAC judge may allow the Participant, with the consent of both the Participant (with advice of his or her counsel) and the State, to remain in the TAC program with hearing on the petition deferred. The State may thereafter dismiss the petition if the Participant makes satisfactory improvement in compliance with the TAC program requirements. If the Participant fails to make satisfactory improvement, the State may elect to set the petition for hearing.

**(c)** At a hearing on a Petition to Terminate a Participant from TAC or to revoke probation, the TAC judge cannot consider any information learned through team staffings, status review hearings or otherwise, unless newly received in evidence at the hearing.

**(d)** A TAC judge should disqualify himself or herself in a proceeding on a petition to terminate a Participant from a TAC or to revoke probation under the circumstances listed in Supreme Court Rule 63C.

**(e)** A Participant has the right to move for substitution of the TAC judge pursuant to Section 114-5(d) of the Code of Criminal Procedure of 1963 (725 ILCS 5/1 14-5(d) for purposes of a hearing on a petition to terminate a Participant from TAC or to revoke probation.

## **IX. Voluntary Withdrawal**

**(a)** A Participant shall have the right to withdraw from TAC.

**(b)** Prior to allowing the Participant to withdraw, the TAC judge shall:

1. Ensure that the Participant has the right to consult with counsel
2. Determine in open court that the withdrawal is made voluntarily and knowingly
3. Admonish the Participant in open court as to the consequences, actual or potential, which will result from withdrawal.

## **X. Confidentiality**

The TAC team respects the confidentiality of all Participants and adheres to all state and federal laws. In order for the TAC team to assess and advise Participants, it is necessary for the TAC team to have a complete understanding of the mental, emotional, medical, and criminal and substance abuse histories of all Participants. A waiver of confidentiality (authorization for release of pertinent medical records and information) and consent for participation is required for participation in the TAC program. Withdrawal of the waiver of confidentiality prior to completion of the program will result in termination from the program.

TAC Participants are required to complete all additional requested authorizations for release of information. Failure to do so may result in termination from the TAC program. All such waivers/authorizations shall remain effective only through completion or termination of the TAC program.

## **XI. Participant Files and Record Keeping**

The LaSalle County TAC shall comply with 42CFR Part 2 and all other applicable federal and state laws. Participant files and records shall be established and maintained in accordance with federal and state guidelines.

- a.** All information contained in the Participant's clinical record, including information stored in computers and/or any information which has been collected for statistical and reporting purposes is considered confidential.
- b.** No information shall be released to unauthorized persons or agencies except as ordered by a court of competent jurisdiction without the Participant's consent.
- c.** To assure the exchange of Participant information to non-affiliated agencies or persons, a written, executed Consent to Release Information shall be obtained from the Participant (see attached Exhibit).
- d.** All information regarding individuals that is considered confidential shall be respected and safeguarded.
- e.** During operation hours, Participant records will be kept in a location not accessible to unauthorized persons. After operation hours, such records will be kept in a secure and locked location.
- f.** The weekly staffing update is in the form of a Google Document that is invitation only and password protected.

## **Conclusion**

The LaSalle County Treatment Alternative Court (TAC) is a viable option for eligible defendants who are in the criminal court diagnosed with a serious mental illness. The TAC team offers a collaborative approach in order to provide Participants the necessary structure, treatment, services and support. Thank you for considering utilizing the TAC program.